

REMARKS

The following remarks are substantially to those set forth in the Remarks section of applicants' previous Response dated January 30, 2008; the amendments included therewith were not entered by the Examiner. In addition, applicants also have included remarks to address the Examiner's concerns expressed in the Advisory Action dated March 18, 2008.

In the Office Action made Final, the Examiner indicated that claim 14 would be allowable if it is rewritten in independent form including all of the limitations of the base claim and any intervening claims from which it depends. In addition, claims 61 and 62 have been found allowable on the merits. Accordingly, the claims have been amended to place them in condition for allowance.

Claims 1, 6, and 14 are canceled herein without prejudice or disclaimer. Claims 38 to 60 have been previously canceled. Claims 2 to 5, 7 to 13, 15 to 37, 62, 63, and newly presented claims 63 to 70 remain for consideration on the merits.

New dependent claims 63 to 70 are ultimately dependent upon allowed claim 61. Applicants respectfully prevail upon the Examiner's discretionary authority to enter the newly presented claims. It is submitted that no new issues are raised with the presentation of these claims as they are ultimately dependent upon an allowed independent claim. Moreover, the subject matter set forth in new claims 63 to 70 has always been before the Examiner in that they are substantially identical (with minor clarity changes) to original claims 2 to 19, respectively.

The dependent claim 14 has been rewritten in independent format by incorporating its subject matter into independent claim 3.

The dependency of claim 2 has been changed to claim 3 and the Markush language has been simplified.

Claims 15, 18, and 19 have been amended to clarify that the claimed water-dispersibility enhancing compound is incorporated into the prepolymer as set forth in paragraph [0088] of the present specification.

Claim 16 has been amended to simplify the Markush language and to correct a typographical error.

Claim 17 has been amended to simplify the Markush language.

The dependency of claim 21 has been changed from claim 3 to claim 31.

Applicant desires to claim an embodiment directed to a method for crosslinking a polyurethane as opposed to an embodiment directed to a method of crosslinking a polyurethane prepolymer. As is well known, polyurethane prepolymers form polyurethanes (see present Abstract) by chain extension. Support for "crosslinked polyurethane" formation at or subsequent to chain extension is inherent from the disclosure at paragraph [0099] wherein it is disclosed that crosslinking may be accomplished...during the dispersing stage or later...

In view of the foregoing amendments and discussion, it is submitted that the instantly claimed subject matter is in condition for allowance. Accordingly, an early Notice of Allowance with respect to claims 2 to 5, 7 to 13, 15 to 37, 61, 62, and new claims 63 to 70 is earnestly solicited.

In the Advisory Action, the Examiner stated that: "Cancellation of 'non-uniform polyurethane particles' requires further search and consideration for the new scope added to the claims and raises the issue of new matter since this new scope may be unsupported by the originally filed specification particularly considering the varying definitions of what constitutes 'uniform' polymer particles or 'non-uniform' polymer particles in the art". Applicants respectfully submit that the scope of amended claim 3 does not constitute new matter. Paragraphs [0021] and [0022] of the specification as originally filed disclose separate embodiments of the invention, one concerning a method for dispersing a uniform mixture of at least two polyurethane prepolymers in an aqueous medium (see [0021]), and the other concerning a method for preparing a water dispersion of non-uniform polyurethane particles (see [0022]). The embodiment set forth in paragraph [0021] does not require the formation of non-uniform particles. Moreover, at paragraph [0136] of the specification as originally filed, the disclosure states "... that the polymers of the present invention can be made in one prepolymer reactor according to the following steps...". There is no requirement that non-uniform particles be formed. Accordingly, it is submitted that the claims do not have to necessarily read on non-uniform particle embodiments.

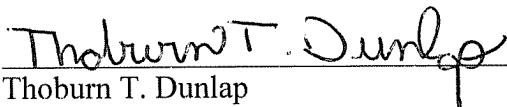
In the Advisory Action, the Examiner stated: "Removal of 'consisting of' of group 2 raises the issues regarding the propriety of this amendment". It is respectfully submitted that M.P.E.P. 2173.05(h) permits alternative expressions other than classical Markush group language. There is nothing in the Manual of Patent Examining Procedure or in the Rules of Practice that require an applicant to employ the phrase "consisting of" when employing the alternative expressions claim language.

In the Advisory Action, the Examiner stated: "Claim 3, line 4 appears to be missing a comma between 'reactor' and 'which' which raises a grammatical issue that may require new rejections under 112". Claim 3 has been amended herein to include a comma between the words "reactor" and "which".

In the Advisory Action, the Examiner stated: "'Said prepolymers' raises an issue of which prepolymers are referenced particularly due to cancellation of the step b of pending claim 3. It is noted that the prepolymers are not required to be made in the same reactor simultaneously". To clarify the issues raised by the Examiner, step c) of claim 3 has been further amended to include language indicating that the second prepolymer is prepared in the presence of the first prepolymer. The addition of this language makes clear that the first prepolymer and the second prepolymer are synthesized in sequential steps. Support for the amendment is found in paragraph [0136], step 3 of the specification as originally filed.

If any minor issues remain that can be resolved via a telephonic conference, please feel free to contact the undersigned at the telephone number noted below.

Respectfully submitted,


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